

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Donald W. Millard
Cheryl D. Millard
Debtor(s)

Bankruptcy Case No.: 17-23618-GLT
Issued Per 3/29/2018 Proceeding
Chapter: 13
Docket No.: 36 - 11
Concil. Conf.: March 29, 2018 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 13, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Mar. 29, 2018 at 02:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 10 of US Bank, Claim No. 1 of Huntingdon Bank, Claim No. 6 of Gateway Lending .
- ☒ H. Additional Terms: Westmoreland County TCB is to be paid with statutory interest.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: April 3, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Donald W. Millard
 Cheryl D. Millard
 Debtors

Case No. 17-23618-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 22

Date Rcvd: Apr 03, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 05, 2018.

db/jdb
 cr +Donald W. Millard, Cheryl D. Millard, 1270 Ridge Road, Apollo, PA 15613-8973
 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14689289 Capital One Bank, PO Box 71083, Charlotte, NC 28272-1083
 14698179 +City of Latrobe, 901 Jefferson Street, Box 191, Latrobe, PA 15650-1809
 14689292 +Key Bank, 1509 Freeport Road, Natrona Heights, PA 15065-1314
 14689293 Latrobe Hospital, 134 Industrial Park Road, Suite 2400, Greensburg, PA 15601-7848
 14689295 +Old Navy, c/o Portfolio Recovery Associates, PO Box 12903, Norfolk, VA 23541-0903
 14719561 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 North Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14696289 Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer S, PO Box 19657, Irvine, CA 92623-9657
 14689298 Wells Fargo Dealer Services, P.O. Box 25341, Santa Ana, CA 92799-5341
 14689299 +Westmoreland County Tax Claim Bureau, 2 N Main Street, Suite 406, Greensburg, PA 15601-2417

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14698177 +E-mail/Text: backoffice@affirm.com Apr 04 2018 01:53:43 Affirm, 633 Folsom St,
 San Francisco, CA 94107-3618
 14689290 +E-mail/Text: jennifer.macedo@gatewayonlending.com Apr 04 2018 01:52:21
 Gateway One Lending & Finance, 160 N. Riverview Drive, Suite 100, Anaheim, CA 92808-2293
 14689291 E-mail/Text: bankruptcy@huntington.com Apr 04 2018 01:52:49 Huntington Bank,
 PO Box 182519, Columbus, OH 43218-2519
 14695334 +E-mail/Text: key_bankruptcy_ebnc@keybank.com Apr 04 2018 01:53:05 KeyBank, N.A.,
 4910 Tiedeman Road, Brooklyn, OH 44144-2338
 14712581 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 04 2018 01:50:24
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14690178 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 04 2018 01:50:08
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14766556 E-mail/Text: bnc-quantum@quantum3group.com Apr 04 2018 01:52:30
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14689296 E-mail/Text: jennifer.chacon@spservicing.com Apr 04 2018 01:53:44
 Select Portfolio Servicing, PO Box 65250, Salt Lake City, UT 84165-0250
 14692236 +E-mail/Text: bankruptcy@huntington.com Apr 04 2018 01:52:49 The Huntington National Bank,
 PO Box 89424, Cleveland, OH 44101-6424
 14689297 E-mail/PDF: gecsed@recoverycorp.com Apr 04 2018 01:50:38 Walmart, PO Box 960024,
 Orlando, FL 32896-0024
 14760698 +E-mail/Text: bankruptcy@firstenergycorp.com Apr 04 2018 01:52:57 West Penn Power,
 5001 NASA Blvd, Fairmont WV 26554-8248

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr U.S. Bank National Association, as indenture trust
 14689288 Affirm
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14698178* Capital One Bank, PO Box 71083, Charlotte, NC 28272-1083
 14698180* +Gateway One Lending & Finance, 160 N. Riverview Drive, Suite 100, Anaheim, CA 92808-2293
 14698181* Huntington Bank, PO Box 182519, Columbus, OH 43218-2519
 14698182* +Key Bank, 1509 Freeport Road, Natrona Heights, PA 15065-1314
 14689294* Latrobe Hospital, 134 Industrial Park Road, Suite 2400, Greensburg, PA 15601-7848
 14698183* Latrobe Hospital, 134 Industrial Park Road, Suite 2400, Greensburg, PA 15601-7848
 14698184* Latrobe Hospital, 134 Industrial Park Road, Suite 2400, Greensburg, PA 15601-7848
 14698185* +Old Navy, c/o Portfolio Recovery Associates, PO Box 12903, Norfolk, VA 23541-0903
 14698186* Select Portfolio Servicing, PO Box 65250, Salt Lake City, UT 84165-0250
 14768471* Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
 14698187* Walmart, PO Box 960024, Orlando, FL 32896-0024
 14698188* Wells Fargo Dealer Services, P.O. Box 25341, Santa Ana, CA 92799-5341
 14698189* +Westmoreland County Tax Claim Bureau, 2 N Main Street, Suite 406, Greensburg, PA 15601-2417

TOTALS: 2, * 14, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 22

Date Rcvd: Apr 03, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 05, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 3, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor U.S. Bank National Association, as indenture trustee,
for the CIM Trust 2016-1, Mortgage-Backed Notes, Series 2016-1 bkgroup@kmlawgroup.com
Kenneth Steidl on behalf of Debtor Donald W. Millard julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;leslie.
nebel@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-ste
inberg.com
Kenneth Steidl on behalf of Joint Debtor Cheryl D. Millard julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;leslie.
nebel@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-ste
inberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 6